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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,424	10/11/2005	Karl Jones	UDL0171PUSA	2670
22045 7590 09/29/2010 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER BRADFORD, CANDACE L				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 09/29/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,424

**Applicant(s)**

JONES ET AL.

**Examiner**

CANDACE L. BRADFORD

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

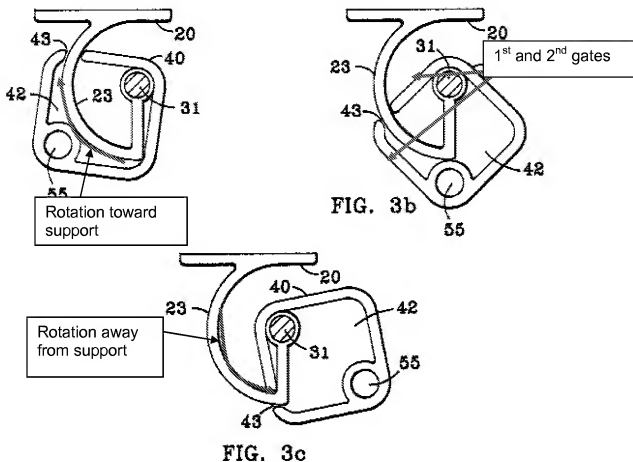
***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

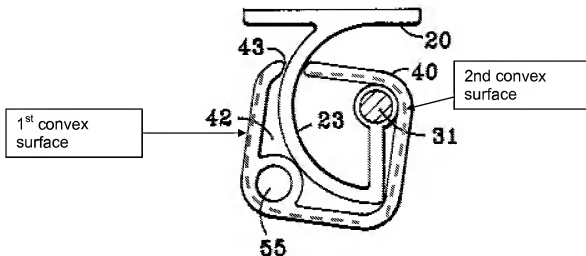
Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a body 40, which defines an internal passageway 42, and a slot 43, said internal passageway extending longitudinally through said body and configured to receive the safety line 31, said slot extending through said body to said internal passageway in a transverse direction relative to said internal passageway, said slot configured to allow a portion of a given support 20, coupled to the safety line to pass through said slot when said traveler traverses said given support along the safety line, said body including a load member 55, for attaching said traveler to fall safety equipment, and first and second gates spaced apart from one another and defining said slot therebetween, wherein said first gate is disposed below said second gate when said body is disposed vertically about the safety line, as best seen in Figure 3b and 3c, and wherein an upper portion of said body is rotatable about the longitudinal centerline of the safety line away from the given support to a predetermined first rotational orientation in which a portion of said first gate interfaces to said given support to limit further angular movement of said upper portion of said body away from said given support, as best seen in Figure 3c.



Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said upper portion of said body is rotatable to a predetermined second rotational orientation in which a portion of said second gate interfaces to said given support to limit further angular movement of said upper portion of said body toward said given support, as best seen in Figure 3a.

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said first gate has a first convex surface, said second gate

has a second convex surface, and said first and second convex surfaces face each

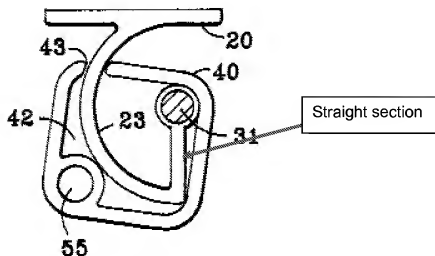


other and define said slot 43.

Claims 24 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said first convex surface extends outwardly away from said passageway and terminates at an outer distal end, and said outer distal end interfaces to said support in said predetermined first rotational orientation.

Claims 25 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles disclose said second convex surface extends inwardly toward said passageway and terminates at an inner distal end, and said upper portion of said body is rotatable to a predetermined second rotational orientation in which said inner distal end interfaces to said given support to limit further angular movement of said

upper portion of said body toward said given support.



**FIG. 3a**

Claims 26 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses the support includes a straight section and a curved section 23, said portion of said first gate interfaces to the straight section in said predetermined first rotational position, and said second gate interfaces to the curved section in said predetermined second rotation position, as best seen in Figure 3c.

Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses load member 56 is operably disposed below said wheels when said body is disposed vertically about the safety line, as best seen in Figure 6.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said portion 23, of said given support is narrower than said slot 43, as best seen in Figure 3a.

Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said slot 43, is narrower than the safety line 31.

Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a safety line 31, having a longitudinal centerline, at least one support for supporting said safety line 20, a body 40, which defines an internal passageway 42, and a slot 43, said internal passageway extending longitudinally through said body and configured to receive said safety line, said slot extending through said body to said internal passageway in a transverse direction relative to said internal passageway, said slot configured to allow a portion of a given support coupled to the safety line to pass through said slot when said traveler traverses said given support along said safety line, said body including a load member 55, for attaching said traveler to fall safety equipment, and first and second gates, as best seen in the marked-up figure above, spaced apart from one another and defining said slot therebetween, wherein said first gate is disposed below said second gate when said body is disposed vertically about the safety line, as best seen in Figure 3a, and wherein an upper portion of said body is rotatable about the longitudinal centerline of the safety line away from the given support to a predetermined first rotational orientation in which a portion of said first gate interfaces to said given support to limit further angular movement of said upper portion of said body away from said given support, as best seen in Figures 3a, 3b and 3c.

Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said upper portion of said body is rotatable to a

predetermined second rotational orientation in which a portion of said second gate interfaces to said given support to limit further angular movement of said upper portion of said body toward said given support, as best seen in Figure 3c.

Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses said first gate has a first convex surface, said second gate has a second convex surface, and said first and second convex surfaces face each other and define said slot, as best seen in the marked-up figure above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599) in view of Crandall (857924). Noles teaches the utility of a wheel 35 mounted on the top of a safety line, as best seen in Figure 6, for transport of an object, but fails to disclose two wheels arranged in tandem. Crandall teaches the utility of two wheels 8, arranged in tandem configured to mount on top of a safety line 1, as best seen in Figure 1. The use of multiple wheels is commonly used in the art to provide more stability and support of the device during use. Therefore, it would have been obvious to one of ordinary skill in the art to provide the apparatus of Noles with multiple wheels as taught by Crandall so as to provide more stability and support of the device during use.



### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The applicant's attention is drawn to page 7 of the remarks. The applicant states the Noles reference does not teach a first gate disposed below a second gate. The examiner would like to point out that the positioning of the first gate below the second gate when the body is in a vertical orientation is best seen in Figures 3b and 3c, as best noted above in claim 21. The rotational direction toward and away from the body is also further noted above in the marked-up figures. The examiner would like to state that although the Noles reference was previously used, some interpretation of the reference may have changed because of the amendment to the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Katherine W Mitchell/  
Supervisory Patent Examiner, Art  
Unit 3634

/Candace L. Bradford/  
Patent Examiner  
Art Unit 3634

Application/Control Number: 10/537,424

Page 10

Art Unit: 3634

September 28, 2010